

Document No. 1389
Adopted at Meeting of 6/19/69

MEMORANDUM

June 19, 1969

TO: Boston Redevelopment Authority
FROM: Hale Champion, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Re: Petition No. Z-1473
Joseph J. Maloney, Trustee Medleg Trust
37 Robinwood Avenue, Jamaica Plain

Petitioner seeks two Forbidden Use permits for a change of occupancy from a single family dwelling to a Research Laboratory and Medical Offices in a Residential (R-.5) district. The proposal would violate the code as follows:

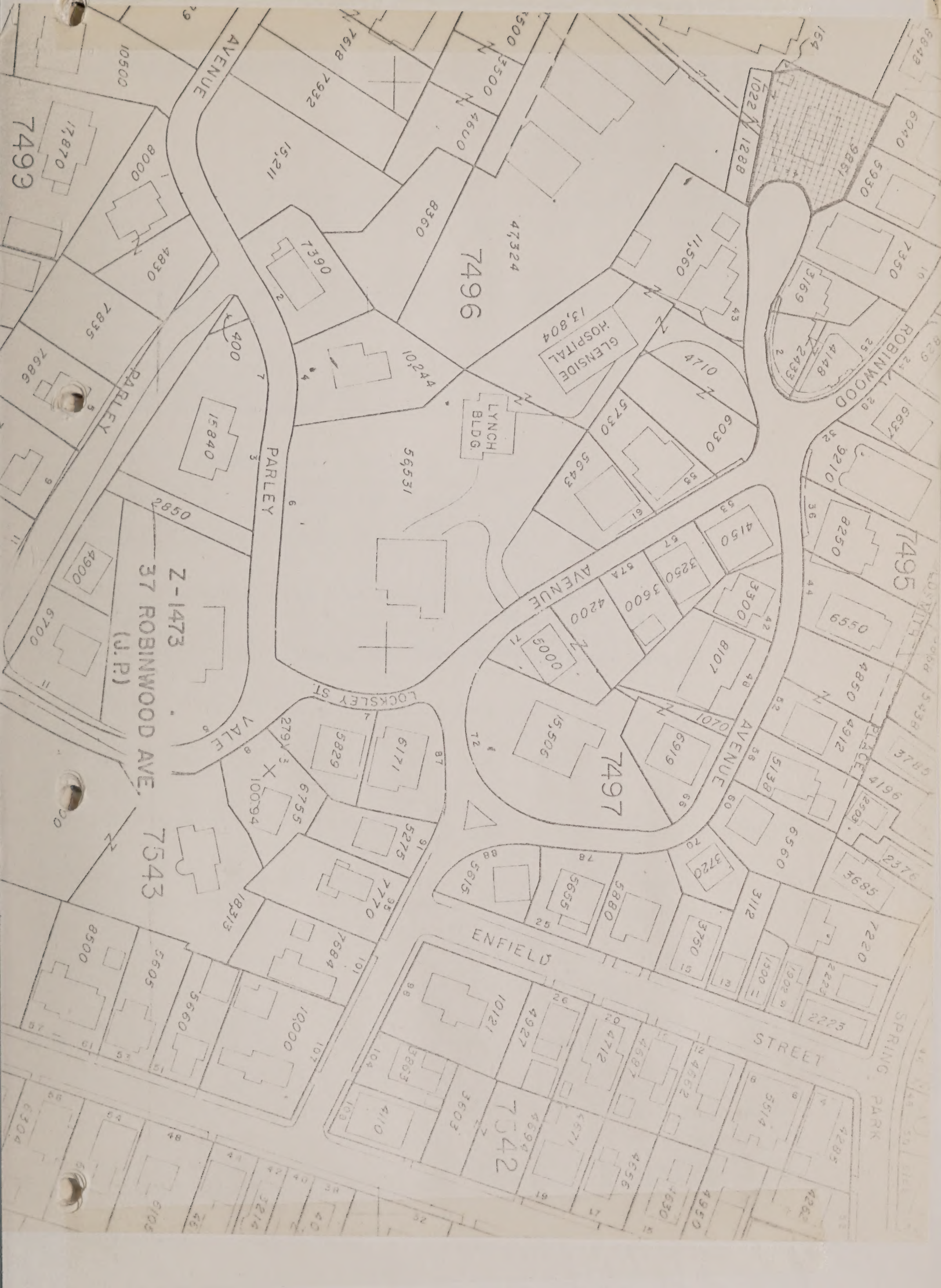
Sect. 8-7 A Doctor's office is Forbidden in an R-.5 district.

Sect. 8-7 A Research Laboratory is Forbidden in an R-.5 district.

The property, located on Robinwood Avenue near the intersection of Enfield Street, contains a 2½ story dwelling structure. The petitioner would utilize the building for a Laboratory, Drug Dispensary and Administrative Office in connection with the adjacent Glenside Hospital. The proposal would be consistent with the semi-institutional character of the neighborhood and would not have a detrimental effect on adjoining properties. Many of the structures on Robinwood Avenue are used presently for institutional purposes. In addition, a parking lot exists adjacent to the parcel in question which could be used for off-street parking. Recommend approval.

VOTED: That in connection with Petition No. Z-1473, brought by Joseph J. Maloney, Trustee Medleg Trust, 37 Robinwood Avenue, Jamaica Plain, for two Forbidden Use permits for a change of occupancy from a single family dwelling to a Research Laboratory and Medical Offices in a Residential (R-.5) district, the Boston Redevelopment Authority recommends approval. The proposal would be consistent with the semi-institutional character of the neighborhood and would not have a detrimental effect on adjoining properties.

1389
6/19



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Z-1473

37 ROBINWOOD AVE.
(J.P.)

Re: Petition No. Z-1475
John Shalbey
117 Chandler Street, Boston

Petitioner seeks a variance for a change of occupancy from a lodging house to eight apartments in a General Business (B-4) district. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 17-1 Usable open space is insufficient	150 sf/du	32 sf/du

The property, located on Chandler Street near the intersection of Chandler Street and Columbus Avenue, contains a four story brick structure. The petitioner proposes to convert the lodging house (10 lodgers) to an eight unit apartment dwelling. The proposed apartment conversion is desirable, however, the staff recommends that the petitioner be required to submit a detailed floor plan to the Authority for approval under the rehabilitation provisions of the South End Urban Renewal Plan. Recommend approval with proviso.

VOTED: That in connection with Petition No. Z-1475, brought by John Shalbey, 117 Chandler Street, Boston, for a variance of insufficient open space for a change of occupancy from a lodging house to eight apartments in a General Business (B-4) district, the Boston Redevelopment Authority recommends approval with proviso that the petitioner be required to submit a detailed floor plan to the Authority for approval under the rehabilitation provisions of the South End Urban Renewal Plan.



Re: Petition No. Z-1479
Roman Art Embroidery Corporation
35 Chickatawbut Street, Dorchester

Petitioner seeks an extension of a non-conforming use and three variances to erect a one story addition to an apparel manufacturing building in a Residential (R-.5) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 9-1	The extension of a non-conforming use greater than 25% of the floor area of the existing building is not allowed in an R-.5 district.		
Sect. 10-1	Parking is not allowed in front yard nor within five feet of side lot line.		
Sect. 14-2	Lot area for additional unit is insufficient	3000 sf/du	0
Sect. 15-1	Floor area ratio is excessive	0.5	1.55

The property, located on Chickatawbut Street at the intersection of Bowman Street, contains an apparel manufacturing plant. The front or main section of the building is two stories. The petitioner proposes to erect a second level over the rear portion of the structure which is presently one story high. Residential properties completely surround this property. Extension of the non-conforming use would be undesirable and would generate additional commercial traffic in this two family neighborhood. Recommend denial.

VOTED: That in connection with Petition No. Z-1479, brought by Roman Art Embroidery Corporation, 38 Chickatawbut Street, Dorchester, for an extension of a non-conforming use and variances of parking not allowed in front yard nor within five feet of side lot line, insufficient lot area for additional unit and excessive floor area ratio to erect a one story addition to an apparel manufacturing structure in a Residential (R-.5) district, the Boston Redevelopment Authority recommends denial. Residential properties completely surround this property. Extension of this non-conforming use would be undesirable and would generate additional commercial traffic in this two family neighborhood.



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DARTMOUTH

NATIONAL
PARKING
GARAGE

CLARENDON
AVE.

CLARENDON

STREET

COLUMBUS

CHANDLER

LAWRENCE

CHANDLER ST. CE

17-1475

(S.E.)

Re: Petition No. Z-1478
St. Margaret's Hospital
70-90 Cushing Avenue, Dorchester

Petitioner seeks an extension of a non-conforming use and four variances to erect a four story addition to a hospital in a Residential (R-.8) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 9-1	The extension of a non-conforming use requires a Board of Appeal hearing.		
Sect. 14-2	Lot area for additional unit is insufficient	1500 sf/du	719 sf/du
Sect. 15-1	Floor area ratio is excessive	.8	1.6
Sect. 16-1	Height of building is excessive	35 ft.	48 ft.
Sect. 18-4	Front yard is insufficient	25 ft.	1 ft.

The property, located on Cushing Avenue near the intersection of Jerome Street, contains several hospital buildings. The petitioner proposes to erect a four story addition to the existing four story St. Mary's Infant Asylum and Lying-In Hospital building. The expansion would be utilized to provide modern facilities for the out-patient, laboratory and service activities. While expansion of the hospital is desirable, the proposed addition would intensify an existing parking problem. Visitors must park on narrow streets and the tight conditions impede movement of traffic and hinder access of emergency vehicles to the hospital. The staff recommends approval of the proposed expansion provided that the petitioner submit plans indicating that adequate off-street parking will be provided.

VOTED: That in connection with Petition No. Z-1478, brought by St. Margaret's Hospital, 70-90 Cushing Avenue, Dorchester, for an extension of a non-conforming use and variances of insufficient lot area for additional unit, front yard, excessive floor area ratio and building height to erect a four story addition to a hospital in a Residential (R-.8) district, the Boston Redevelopment Authority recommends approval with the following proviso. The petitioner should submit plans indicating that adequate off-street parking will be provided.

Re: Petition No. Z-1480
Louis R. DeSanctis
135 Bremen & 135 Porter Streets
East Boston

Petitioner seeks a Forbidden Use permit and three variances to use premises for the parking of 304 cars for a fee in an Apartment (H-1) and Light Manufacturing (M-1) districts. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7	Parking for a fee is Forbidden in an H-1 district.		
Sect. 18-1	Front yard is insufficient (Bremen St.)	25 ft.	0
Sect. 18-4	Front yard is insufficient (Porter St.)	25 ft.	18 ft.
Sect. 19-1	Side yard is insufficient	10 ft.	0

The property, located on Bremen Street at the intersection of Porter Street adjacent to the Boston & Albany Railroad right-of-way, contains approximately 100,000 square feet of vacant land. The immediate neighborhood is residential. It is anticipated that the site will eventually be acquired for the entrances and toll booth area for the proposed third harbor tunnel. The proposed parking facility would provide off-street parking facilities for the adjoining industrial properties and would relieve some of the congested traffic conditions in the area. Recommend approval.

VOTED: That in connection with Petition No. Z-1480, brought by Louis R. DeSanctis, 135 Bremen & 135 Porter Streets, East Boston, for a Forbidden Use permit and variances of insufficient front and side yards to use premises for the parking of 304 cars for a fee in an Apartment (H-1) and Light Manufacturing (M-1) districts, the Boston Redevelopment Authority recommends approval. It is anticipated that the site will eventually be acquired for the entrance and toll booth for the proposed third harbor tunnel. The proposed parking facility would provide parking for the adjoining industrial properties and relieve some of the congested traffic conditions in the area.

Re: Petitions Nos. Z-1481-Z-1482
Sevenel Incorporated
51-55 Sanford Street, Hyde Park

Petitioner seeks four variances to subdivide land and erect two single family dwellings in a Single Family (S-.5) district. The proposal would violate the code as follows:

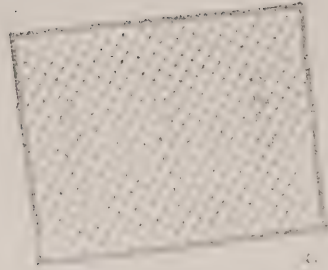
		<u>Req'd.</u>	<u>Proposed</u>
<u>51 Sanford Street</u>			
Sect. 14-1	Lot area is insufficient	6000 sf	5424 sf
Sect. 14-3	Lot width is insufficient	60 ft.	50 ft.
Sect. 14-4	Street frontage is insufficient	60 ft.	50 ft.
<u>55 Sanford Street</u>			
Sect. 18-4	Front yard is insufficient	25 ft.	13 ft.

The property, located on Sanford Street at the intersection of Sanford Street and Ernest Avenue, is a corner lot containing 17,424 square feet of vacant land. The proposed subdivision also includes a lot at No. 27 Ernest Avenue which would not violate the code. The staff has no objection to the proposed one family dwelling at No. 55 Sanford Street but is opposed to the creation of a substandard lot at No. 51 Sanford Street. The lot deficiencies are incompatible with adjacent properties in this low density residential neighborhood. Recommend denial of the petition and recommend that the petitioner submit a subdivision plan for two parcels to the Authority for review.

VOTED: That in connection with Petitions Nos. Z-1481-Z-1482, brought by Sevenel Inc., 51 & 55 Sanford Street, Hyde Park, for variances of insufficient lot area, lot width, street frontage and front yard to subdivide land and erect two single family dwellings in a Single Family (S-.5) district, the Boston Redevelopment Authority recommends denial of the petition and recommends that the petitioner submit a subdivision plan for two parcels to the Authority for review.

2-1481-1600
61-55
(H.E)
FORD ST

VALLEY



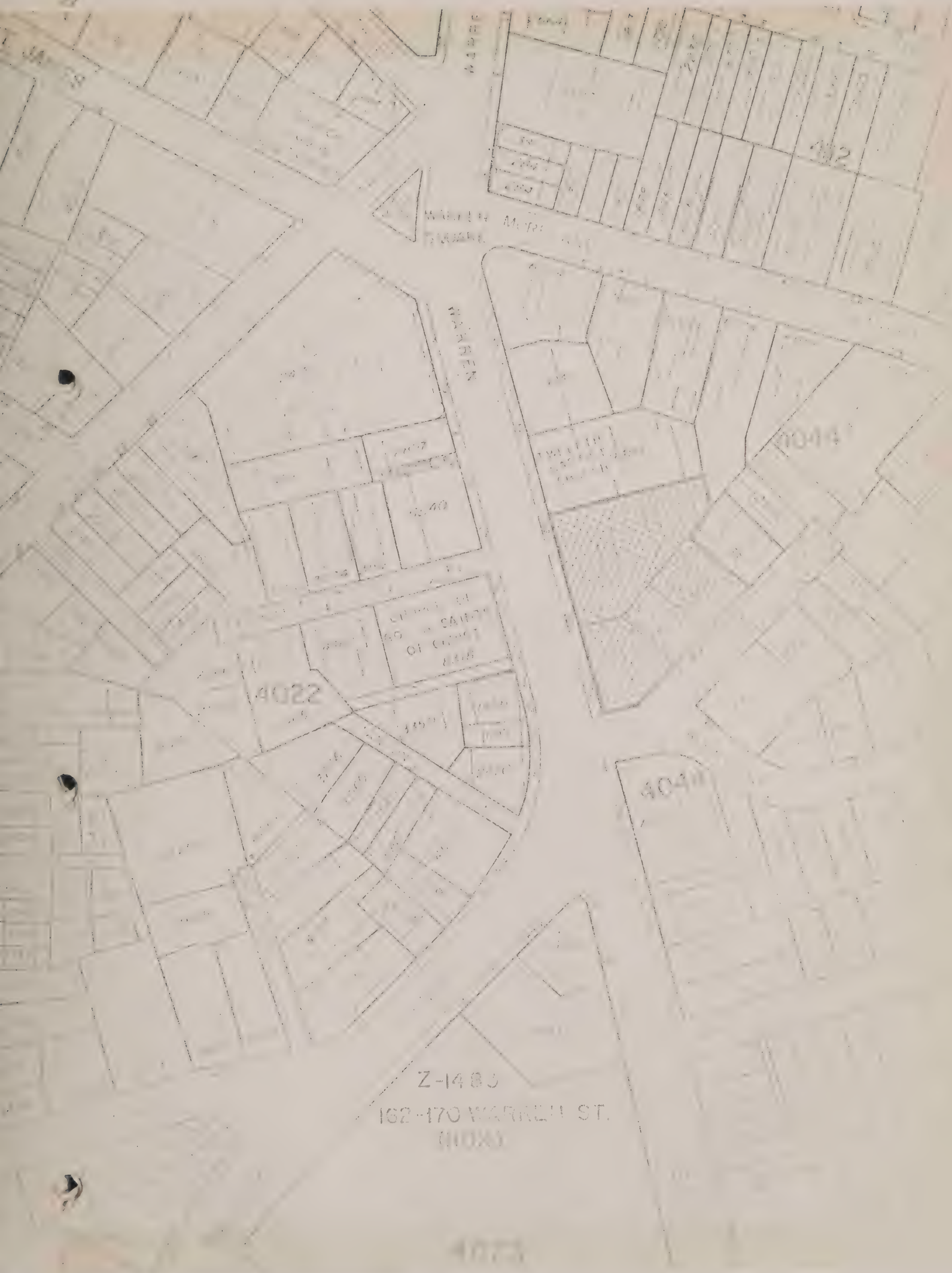
Re: Petition No. Z-1483
Joseph A. & Marie Cappadona
162-166-168-170 Warren Street &
8 Rockville Park, Roxbury

Petitioner seeks a Conditional Use permit and three variances to erect a gasoline service station in a Local Business (L-1) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7	A gas station is a Conditional Use in an L-1 district.		
Sect. 18-1	Front yard is insufficient	10 ft.	0
Sect. 18-3	Corner traffic visibility is insufficient		
Sect. 20-1	Rear yard is insufficient	20 ft.	5 ft.

The property, located on Warren Street at the intersection of Rockville Park near Warren Square, contains a two story repair shop garage and gas station which is proposed to be replaced. The petitioner would erect a modern gasoline service facility including an auto inspection bay. A six foot high cedar fence would be erected at the left side to screen the facility from the abutting property. The staff approves of the Conditional Use but recommends that the sign and floodlight structures be relocated so that the proposal would comply with the corner visibility requirements of the code. Recommend approval with provision.

VOTED: That in connection with Petition No. Z-1483, brought by Joseph A. and Marie Cappadona, 162-166-168-170 Warren Street and 8 Rockville Park, Roxbury, for a Conditional Use permit and variances of insufficient front yard, rear yard and corner traffic visibility to erect a three bay gasoline service station in a Local Business (L-1) district, the Boston Redevelopment Authority recommends approval of the Conditional Use provided that the identification sign and floodlight structures are relocated so that the proposed facility would comply with the corner visibility requirements of the code.



Z-1485

162-170 WARREN ST.
(HOX)

Re: Petition No. Z-1484
Midtown Construction Company
309-325 Old Colony Avenue &
45 Vinton Street, South Boston

Petitioner seeks a Forbidden Use permit for a change of occupancy from a sandwich shop, dry cleaner, retail store and catering service to dry cleaner, sandwich shop, catering service and contractor's office in a Local Business (L-1) district. The proposal would violate the code as follows:

Sect. 8-7 A contractor's office is Forbidden in an L-1 district.
The property, located on Old Colony Avenue at the intersection of

Vinton Street, contains a one story commercial structure. The petitioner would lease a vacant former supermarket to the Chapman-Western Waterproofing Company for office use only. All other activity related to the contractor's business would be conducted elsewhere. The proposal is compatible with existing commercial uses in the area and would have no adverse effect on abutting properties. Recommend approval.

VOTED: That in connection with Petition No. Z-1484, brought by Midtown Construction Company, 309-325 Old Colony Avenue and 45 Vinton Street, South Boston, for a Forbidden Use permit for a change of occupancy from a sandwich shop, dry cleaner, retail store and catering service to dry cleaner, sandwich shop, catering service and contractor's office in a Local Business (L-1) district, the Boston Redevelopment Authority recommends approval. The vacant property would be utilized for office use only. All other activity related to the petitioner's business would be conducted elsewhere. The proposal is consistent with existing commercial uses in the area and would have no adverse effect on abutting properties.



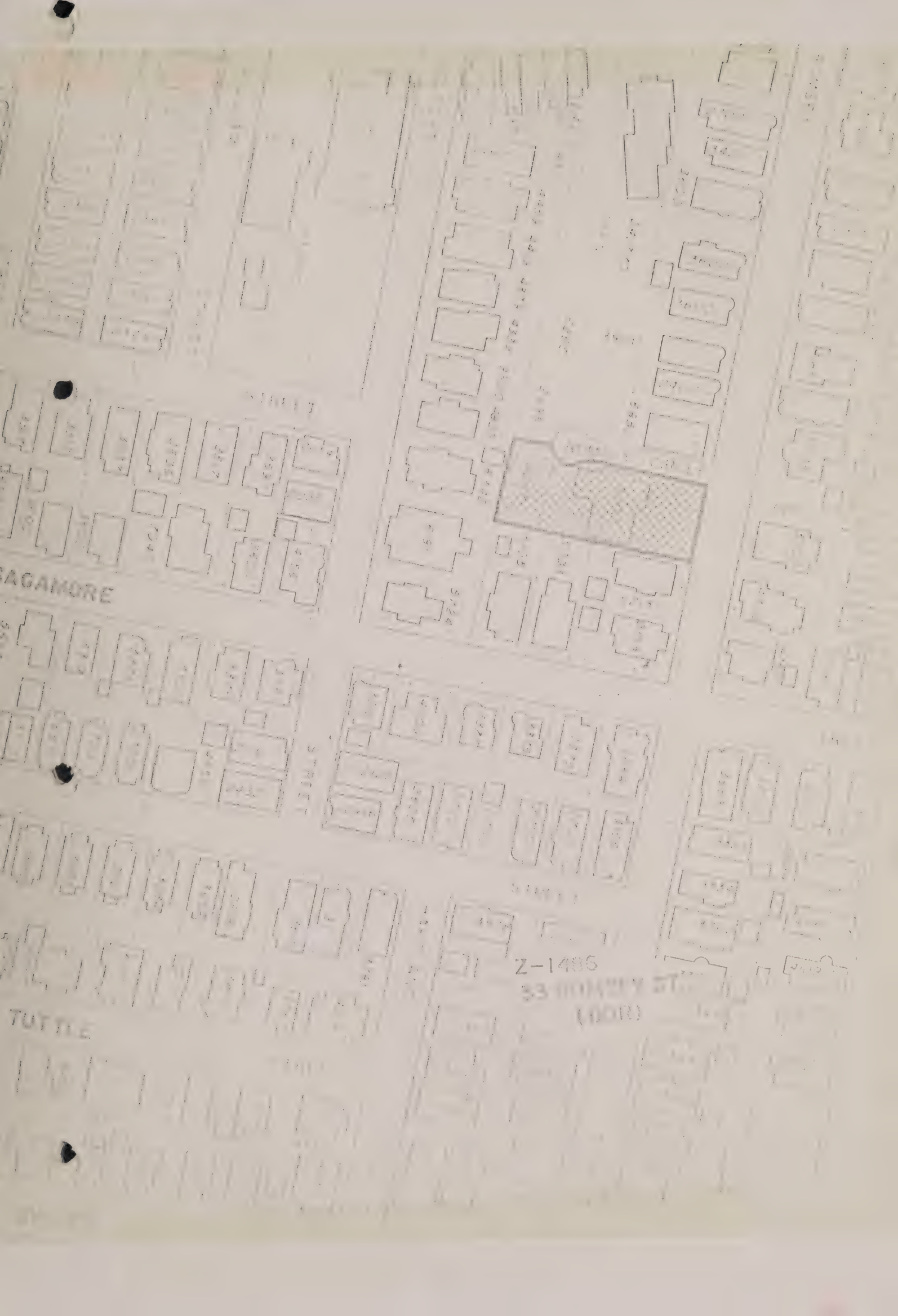
Re: Petition No. Z-1486
James J. Rice Post #28 Amvets, Inc.
33 Romsey Street, Dorchester

Petitioner seeks three variances to erect a ten foot high chain link fence in an Apartment (H-1) district. The proposal would violate the code as follows:

- Sect. 18-1 A fence more than five feet in height is not allowed in front yard (Romsey Street)
- Sect. 18-4 A fence more than five feet in height is not allowed in front yard (Romsey Circle)
- Sect. 19-1 A fence more than six feet in height is not allowed in side yard.

The property, located on Romsey Street at the intersection of Romsey Circle, contains a one story Amvets Post. The petitioner would completely enclose the property with a ten foot high chain link fence with one foot of barbed wire on top of the fence. The barbed wire would bend into and over the property. Approximately one-half of the fence has been erected. The staff is of the opinion that the fence should be limited to six feet in height and that the use of barbed wire be prohibited. The neighborhood is predominantly two and three family residences and a six foot high fence should provide adequate protection for the property. The proposed fence would be undesirable and would be a detriment to this residential neighborhood. Recommend approval with proviso.

VOTED: That in connection with Petition No. Z-1486, brought by John J. Rice Post #28 Amvets, Inc., 33 Romsey Street, Dorchester, for variances of fences more than five feet in height not allowed in front yards and fences more than six feet in height not allowed in side yard to erect a ten foot high fence with barbed wire in an Apartment (H-1) district, the Boston Redevelopment Authority recommends approval provided that the fence be limited to six feet in height and the use of barbed wire prohibited. The neighborhood is predominantly two and three family residences and a six foot high fence should provide adequate protection. The proposed fence would be undesirable and a detriment to this residential area.



SAGAMORE

TUTTLE

Z-1485

33 MONROE ST.

(DOR)

Re: Petition No. Z-1487
 Sumner J. Neilich, James & Elizabeth
 Hart & Rosalie Ham
 783-795 Blue Hill Avenue, Dorchester

Petitioner seeks a Forbidden Use permit and two variances to erect a gas service station in an Apartment (H-1) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7	A gas service station is a Forbidden Use in an H-1 district		
Sect. 18-1	Front yard is insufficient (Blue Hill Ave.)	25 ft.	3 ft.
Sect. 18-4	Front yard is insufficient (American Legion Highway)	25 ft.	3 ft.

The property is located on Blue Hill Avenue at the intersection of American Legion Highway opposite Franklin Park. The site contains a one story structure formerly occupied for auto sales and two 2½ story dwellings which appear to be occupied. The petitioner proposes to demolish the existing structures and erect a two bay gas service station. The proposal would represent a further encroachment of a commercial use in a residential neighborhood. Recommend denial.

VOTED: That in connection with Petition No. Z-1487, brought by Sumner Neilich, James and Elizabeth Hart and Rosalie Ham, 783-795 Blue Hill Ave., Dorchester, for a Forbidden Use permit and variances of insufficient front yard to erect a gas service station in an Apartment (H-1) district, the Boston Redevelopment Authority recommends denial. The proposed gas service facility is inappropriate and would represent a further encroachment of a commercial use in a residential neighborhood.

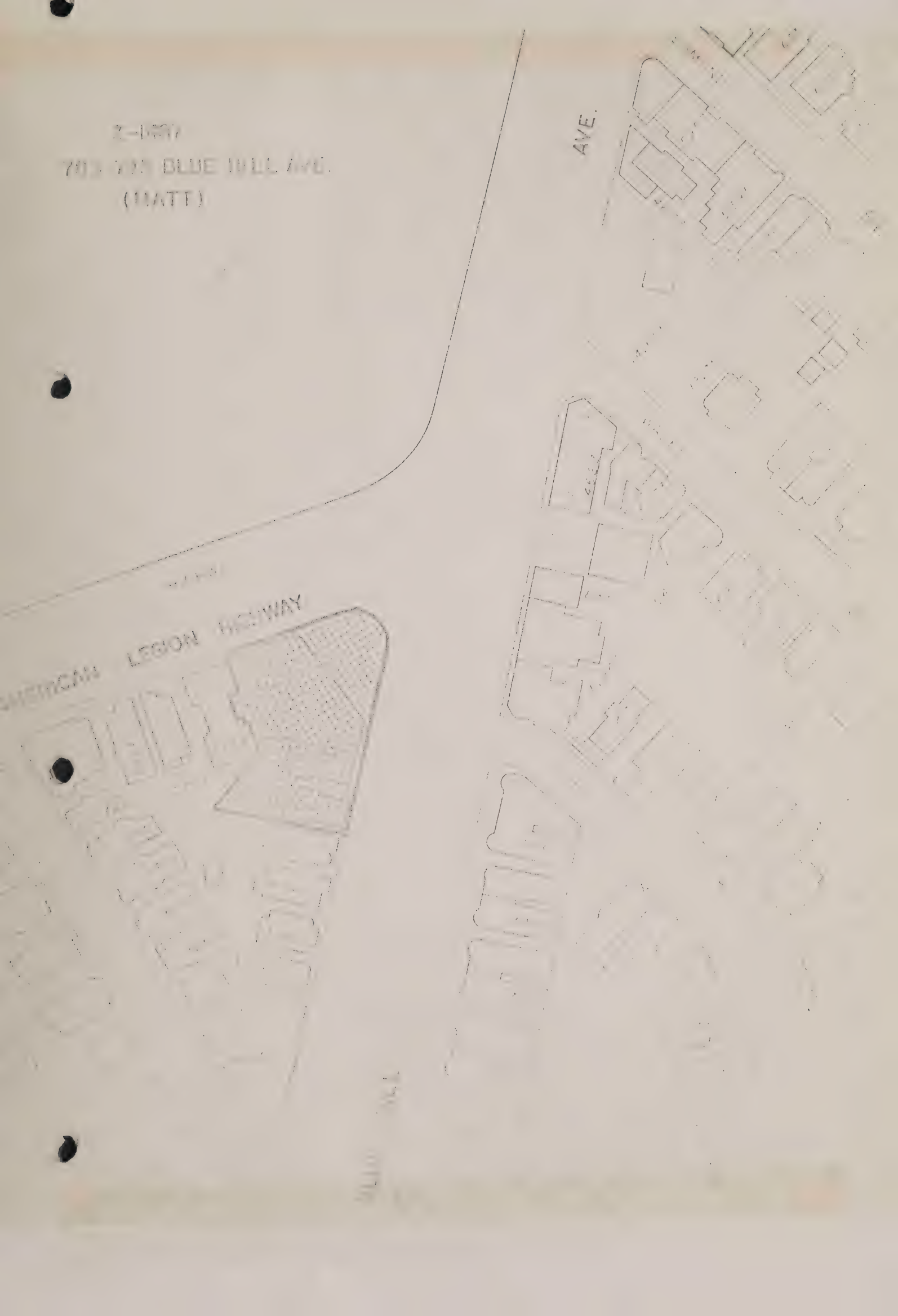
Z-1007

703 775 BLUE HILL AVE.

(MATT)

AVE.

AMERICAN LEGION HIGHWAY



Re: Petition No. Z-1488
Family City Development Corp.
236 Mount Vernon Street, Dorchester

Petitioner seeks a Conditional Use permit to erect a gas service station in a General Business (B-1) district. The proposal would violate the code as follows:

Sect. 8-7 A gas station with necessary sign is a
Conditional Use in a B-1 district.

The property, located on Mt. Vernon Street near Columbia Circle, contains the "Bayside" Shopping Center. The petitioner proposes to erect a gas station at the right front of the property. Auto servicing and repair work would not be done on the premises. The proposal is reasonable and consistent with other uses in this commercial area. Recommend approval.

VOTED: That in connection with Petition No. Z-1488, brought by Family City Development Corp., 236 Mount Vernon Street, Dorchester, for a Conditional Use permit to erect a gas station in a General Business (B-1) district, the Boston Redevelopment Authority recommends approval. No auto servicing or repair work would be done on the premises. The proposal is consistent with other uses in this commercial area.



Z-1488

236 MT. VERNON

(DOR)

Re: Petition No. Z-1489
Dr. Lloyd Warshauer
343 Marlborough Street, Boston

Petitioner seeks a Conditional Use permit for a change of occupancy from five apartments to four apartments and Dentist's office in an Apartment (H-5) district. The proposal would violate the code as follows:

Sect. 8-7 A Dentist's office is a Conditional Use in an
H-5 district.

The property, located on Marlborough Street near the intersection of Marlborough and Hereford Streets, contains a three story masonry structure. The petitioner would utilize the first floor apartment as a Dentist's consultant and operating office. The proposal is undesirable and represents an encroachment upon the abutting residential properties. Recommend denial.

VOTED: That in connection with Petition No. Z-1489, brought by Dr. Lloyd Warshauer, 343 Marlborough Street, Boston, for a Conditional Use permit for a change of occupancy from five apartments to four apartments and a Dentist's office in an Apartment (H-5) district, the Boston Redevelopment Authority recommends denial. The proposed office use would be undesirable and an encroachment upon the abutting residential properties.

Re: Petitions Nos. Z-1490-Z-1492

Mario Guzzo

375-377-379 Bunker Hill Street, Charlestown

Petitioner seeks six variances for a change of occupancy from two families to three families at nos. 375 and 377 and to legalize the occupancy at no. 379 for three families in an Apartment (H-1) district. The proposal would violate the code as follows:

375 Bunker Hill Street

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 14-2	Lot area for additional dwelling unit is insufficient	1000 sf/du	0
Sect. 17-1	Usable open space is insufficient	400 sf/du	100 sf/du

377 Bunker Hill Street

Sect. 14-2	Lot area for additional dwelling unit is insufficient	1000 sf/du	0
Sect. 17-1	Usable open space is insufficient	400 sf/du	100 sf/du

379 Bunker Hill Street

Sect. 14-1	Lot area for additional dwelling unit is insufficient	1000 sf/du	0
Sect. 17-1	Usable open space is insufficient	400 sf/du	100 sf/du

The property, located on Bunker Hill Street near the intersection of St. Martin Streets, contains a three story vacant building in the Charlestown Urban Renewal Area. The petitioner states he purchased the dwelling as nine units. Rehabilitation has already been undertaken. The staff has no objection to the proposal which will restore a vacant and abandoned structure to a productive use. Recommend approval.

VOTED: That in connection with Petitions Nos. Z-1490-Z-1492, brought by Mario A. Guzzo, 375-379 Bunker Hill Street, Charlestown, for variances of insufficient lot area for additional dwelling unit and open space for a change of occupancy from two to three families at Nos. 375 & 377 and to legalize the occupancy at No. 379 as three families in an Apartment (H-1) district, the Boston Redevelopment Authority recommends approval. A vacant and abandoned structure would be completely rehabilitated, restored to a productive use, and would enhance the appearance of the neighborhood.

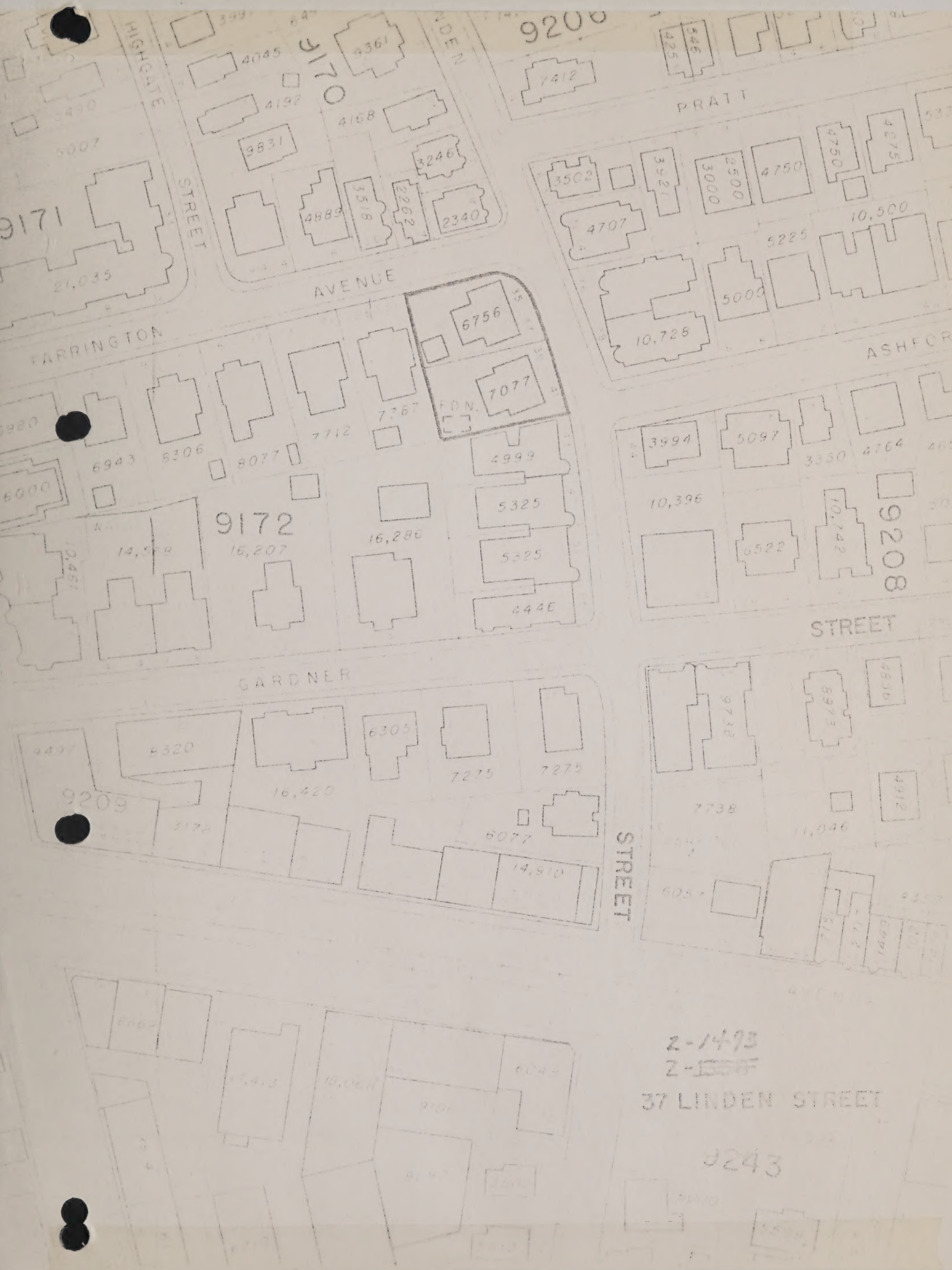
Re: Petition No. Z-1493
Harold Brown
37 Linden Street, Allston

Petitioner seeks seven variances to erect a three story and basement-16 unit apartment building in a Residential (R-.8) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 10-1	Parking is not allowed in front yard		
Sect. 14-2	Lot area for additional dwelling unit is insufficient	1500 sf/du	587 sf/du
Sect. 15-1	Floor area ratio is excessive	.8	1.1
Sect. 17-1	Usable open space is insufficient	800 sf/du	300 sf/du
Sect. 18-1	Front yard is insufficient (Linden St.)	20 ft.	15 ft.
Sect. 18-4	Front yard is insufficient (Farrington Avenue)	20 ft.	10 ft.
Sect. 20-1	Rear yard is insufficient	40 ft.	20 ft.

The property, located on Linden Street at the intersection of Farrington Avenue, contains two $2\frac{1}{2}$ story frame dwellings which would be demolished. The petition is similar to one denied the petitioner by the Board of Appeal in April with the exception of a request for the following two additional variances: parking not allowed in the front yard and insufficient front yard on Linden Street. The Board of Appeal has approved the petitioner's request to resubmit the proposal before the time lapse of one year. The petitioner previously would not cooperate with the Authority staff recommendation of ten units. While the site is desirable for apartment dwelling, the proposed density is unreasonable and inappropriate. Recommend denial.

VOTED: That in connection with Petition No. Z-1493, brought by Harold Brown, 37 Linden Street, Allston, for variances of parking not allowed in front yard, insufficient lot area for additional dwelling unit, open space, front yard, rear yard and excessive floor area ratio to erect a three story and basement-16 unit apartment dwelling in a Residential (R-.8) district, the Boston Redevelopment Authority recommends denial. The proposal is similar to one denied by the Board of Appeal in April with the exception of a request for two additional variances of front yard parking and insufficient front yard on Linden Street. The site is desirable for apartment dwelling but the proposed density is unreasonable and inappropriate.



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37 LINDEN STREET

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